



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-157425

January 9, 1970

Dear Mr. Shaffer:

We refer to your letter of November 25, 1969, requesting our decision in a matter involving the home leave travel provisions of 5 U.S.C. 5728(a) and section 7 of Bureau of the Budget Circular No. A-56, Revised, October 12, 1966.

In our decision of August 31, 1965, B-157425, we held that months of overseas service in excess of those required under earlier agreements may not be applied to reduce the minimum of 12 months service required as a condition precedent to the allowance of home leave travel. In arriving at that conclusion we noted that under 5 U.S.C. 73b-3(a) (third proviso) (now 5 U.S.C. 5728(a)) and the regulations contained in Bureau of the Budget Circular No. A-56, effective June 1, 1962, an employee, to be entitled to round-trip travel for leave purposes, must agree to serve overseas not less than 12 months beginning with his return to or arrival at his post of duty after home leave. At the time of that decision subsection 4.1b of Bureau of the Budget Circular No. A-56 expressly provided that the period of service under the new agreement shall begin upon the date of the employee's return to or arrival at his post of duty after leave has been taken.

In your letter of November 25 you state:

"There are some circumstances where, in fairness to the employee and to the Government, it would be desirable to permit the new period of service to begin immediately upon the conclusion of his approved period of home leave and upon assignment to a period of training or temporary duty in the United States. For example, it may be desirable to send an FAA employee, stationed in Alaska, to a training course in the United States after completion of his home leave in the United States without his first returning to Alaska to begin his new agreed-upon period of service.

"If B-157425 is applied, however, then the time spent by the employee in training could not be credited toward his fulfillment of his new agreed-upon period of service since that period would not commence until he returned to his post of duty outside the continental United States. * * *"

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You point out that the current regulations appearing in section 7 of Bureau of the Budget Circular No. A-56, Revised, October 12, 1966, contain no provision directly concerning the commencement date of a new period of overseas service following home leave. In view thereof you ask whether it now is permissible for an agency to provide that the period of service under a new agreement may begin on the date an employee is assigned to training or temporary duty in the continental United States immediately following his home leave rather than on the date the employee physically returns to his overseas post.

Section 7.1 of Circular No. A-56, Revised, October 12, 1966, provides, in part, as follows:

"Applicability. In order to be eligible to receive allowances for travel and transportation expenses as authorized in this section, an employee prior to departure from his post of duty outside the continental United States must have:

"a. Satisfactorily completed an agreed upon period of service as provided in subsection 1.3c * * *."

Subsection 1.3c, referred to above, requires that the employee agree to remain in the service of the Government for 12 months following the effective date of his transfer or appointment. Under subsection 1.2j of Circular No. A-56, Revised, June 26, 1969, the "effective date of transfer or appointment" is the date on which an employee reports for duty at his official station. Thus, to be eligible for home leave travel allowances an employee must complete a minimum of 12 months of service following the date on which he arrives at or returns to his overseas post of duty.

It follows, therefore, that an agency may not regard an agreed upon period of overseas service as commencing on the date an employee is assigned to training or temporary duty in the United States immediately following his completion of home leave.

Sincerely yours,

R. F. Keller

Assistant Comptroller General
of the United States

The Honorable J. H. Shaffer
Administrator, Federal Aviation Administration